

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1655**

Attorney Docket No.: 5600-84

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons et al.

Confirmation No.: 6682

Serial No.: 10/601,241

Group Art Unit: 1655

Filed: June 20, 2003

Examiner: Qiuwen Mi

For: **LIQUID COMPOSITIONS COMPRISING NON-DIGESTIBLE
OLIGOSACCHARIDES AND GREEN TEA CATECHINS**

Date: August 18, 2008

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION MAILED MARCH 17, 2008

Sir:

This paper is responsive to the Final Office Action (“the Final Action”) mailed March 17, 2008.

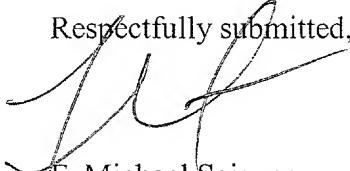
Remarks begin on page 2 of this paper.

REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the Final Action mailed March 17, 2008. A petition for a two-month extension of time is filed concurrently herewith to maintain pendency of the present application to the filing of a Continuation-In-Part Application.

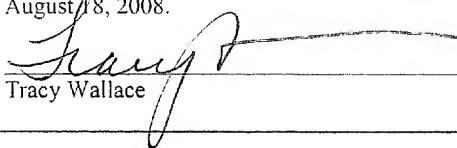
Applicants assert that the filing of said Continuation-In-Part Application does not represent an acquiescence or agreement with any of the outstanding rejections of the claims in the present application. Should the Examiner have any remaining questions or concerns, it is respectfully requested that the Examiner contact the undersigned Attorney at (919) 854-1400.

Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-0220 in the amount of \$230.00 for a two-month extension of time. Applicants believe this amount to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any refund to Deposit Account No. 50-0220.

Respectfully submitted,

F. Michael Sajovec
Registration No.: 31,793

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
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Telephone: 919/854-1400
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CERTIFICATION OF TRANSMISSION
I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 18, 2008.


Tracy Wallace

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons et al.

Confirmation No.: 6682

Serial No.: 10/601,241

Group Art Unit: 1655

Filed: June 20, 2003

Examiner: Qiuwen Mi

For: **LIQUID COMPOSITIONS COMPRISING NON-DIGESTIBLE
OLIGOSACCHARIDES AND GREEN TEA CATECHINS**

Date: August 18, 2008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME
(37 C.F.R. § 1.136(a))

1. This is a petition for an extension of time for a total period of (2) months to respond to the Final Office Action mailed March 17, 2008.

2. A response in connection with the matter for which this extension is requested:

is filed herewith.

has been filed.

3. Applicant:

Claims small entity status. See 37 CFR 1.27.

Does not claim small entity status.

4. Calculation of extension fee (37 C.F.R. § 1.17(a)-(d)):

<u>Total Months Requested</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$120.00	\$60.00
<input checked="" type="checkbox"/> two months	\$460.00	\$230.00
<input type="checkbox"/> three months	\$1,050.00	\$525.00
<input type="checkbox"/> four months	\$1,640.00	\$820.00
<input type="checkbox"/> five months	\$2,230.00	\$1,115.00

Fees Due \$230.00

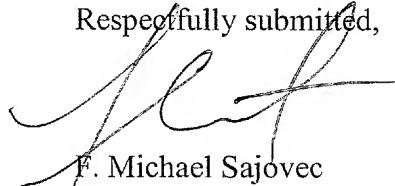
Attorney Docket No. 5600-84
In re: Simmons et al.
Application Serial No.: 10/601,241
Filed: June 20, 2003

The Commissioner is authorized to charge Deposit Account No. 50-0220 in the amount of \$230.00 as fee for a two-month extension of time for a small entity.

Payment by credit card (Form PTO-2038) is enclosed.

Charge Deposit Account No. 50-0220 for any additional extension and/or fee required or credit for any excess fee paid.

Respectfully submitted,

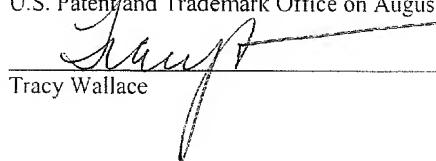


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 18, 2008.



Tracy Wallace

Electronic Patent Application Fee Transmittal

Application Number:	10601241			
Filing Date:	20-Jun-2003			
Title of Invention:	Liquid compositions comprising non-digestible oligosaccharides and green tea catechins			
First Named Inventor/Applicant Name:	Donald L. Simmons			
Filer:	F. Michael Sajovec/Tracy Wallace			
Attorney Docket Number:	5600-84			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with \$0 paid	2252	1	230	230

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				230

Electronic Acknowledgement Receipt

EFS ID:	3796841
Application Number:	10601241
International Application Number:	
Confirmation Number:	6682
Title of Invention:	Liquid compositions comprising non-digestible oligosaccharides and green tea catechins
First Named Inventor/Applicant Name:	Donald L. Simmons
Customer Number:	24978
Filer:	F. Michael Sajovec/Tracy Wallace
Filer Authorized By:	F. Michael Sajovec
Attorney Docket Number:	5600-84
Receipt Date:	18-AUG-2008
Filing Date:	20-JUN-2003
Time Stamp:	15:32:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$230
RAM confirmation Number	731
Deposit Account	500220
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part/.zip	Pages (if appl.)

1		5600_84_response.pdf	189334 6f396dd56917aa73a5fbdedee162f292b722 de8c	yes	4
Multipart Description/PDF files in .zip description					
Document Description		Start		End	
Amendment After Final		1		1	
Applicant Arguments/Remarks Made in an Amendment		2		2	
Extension of Time		3		4	

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	30095 57936d48cc1d377c093299f31d7f2aa3bab 8c6f2	no	2
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Warnings:

Information:

Total Files Size (in bytes):	219429
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.